

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DRAHCIR PARSON,

Plaintiff,

-v-

9:16-CV-0167
(DNH/CFH)

NATHAN YORK, Sheriff, Warren County,
ANTHONY J. ANNUCCI, Commissioner, and
CHRISTOPHER MILLER, Superintendent,
Great Meadow Correctional Facility;
Defendants.

APPEARANCES:

OF COUNSEL:

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MARK G. MITCHELL, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Drahcir Parson brought this civil rights action pursuant to 42 U.S.C. § 1983. On May 23, 2016, plaintiff amended his complaint. See ECF No. 18. On February 28, 2017, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that: (a) a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) made by defendant Nathan York (ECF No. 19) be granted and (b) a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) made by defendants Anthony Annucci and Christopher Miller (ECF No. 27) be granted in part and denied in part. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

(1) Defendant Nathan York's motion to dismiss the amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 19) is **GRANTED**;

(2) Defendants Anthony Annucci and Christopher Miller's motion to dismiss the amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 27) is **GRANTED in part** and **DENIED in part**;

(3) Plaintiff's Fourteenth Amendment claims regarding: (i) Parson's transfer to Great Meadows Correctional Facility against Annucci and (ii) unconstitutional due process claim against Miller, are **DISMISSED**;

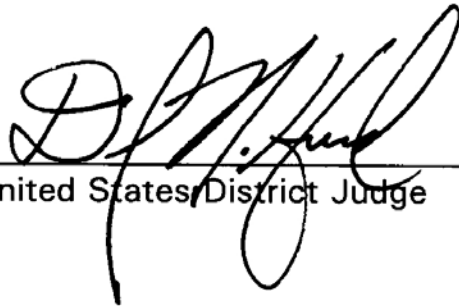
(4) Plaintiff's Fourteenth Amendment claim against Miller regarding his eight month placement in administrative segregation at Great Meadows Correctional Facility **REMAINS**;

(5) Defendants Annucci and York are **DISMISSED** from this action; and

(6) The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 21, 2017
Utica, New York


United States District Judge